IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 30373 of 2007(N)

PETITIONER:

REMA MATHEW, W/O. MATHEW,
PULLIYIL VEEDU,
CHENNAMANGALAM VILLAGE,
GOTHURUTH, ERNAKULAM - 683 516.

BY ADV. SRI.R.RAGHUNANDANAN

RESPONDENT:

THE SECRETARY,
PUTHENVELIKKARA GRAMA PANCHAYAT,
PUTHENVELIKKARA GRAMA PANCHAYAT OFFICE,
PUTHENVELIKKARA P.O. - 683 512.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, HE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 30373 OF 2007

Dated this the 15th day of October, 2007

JUDGMENT

I do not propose to go into the merits of the matter. The grievance of the petitioner is that though he is ready and willing to surrender a portion of his property for the purposes of a common pathway, the Panchayat is insisting on taking possession of more extents without recourse to law.

The petitioner has submitted several representations and Ext.P4 is the last one before the Secretary of the Panchayat. The Secretary of the Panchayat will immediately take up Ext.P4, consider the same in the light of the averments in the Writ Petition and the various documents particularly, Ext.P5 Land Relinquishment Form which will show that the petitioner is willing to free surrender of a total extent of 6 cents and take a correct decision on Ext.P4 after hearing the petitioner. Decision as directed above will be taken at the earliest and at any rate within six weeks of receiving copy of this judgment and copy of Writ Petition along with all the exhibits. I permit the petitioner to move a competent Civil Court also for redressal of his grievance, if he apprehends that the Panchayat will not be inclined to accept Ext.P5. Considering the above

direction and permission, I direct both sides to maintain status quo as obtaining today in respect of the property of the petitioner for a period of six weeks.

PIUS C. KURIAKOSE, JUDGE

btt